

# PROCEDURE

## PUBLIC QUESTION TIME

**Note: Members of the public are encouraged to submit questions to Administration for response rather than waiting for a Council Meeting at the end of the month via:**

- Email: [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au);
- Website: [www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)
- Fax to the CEO on 9191 0998; or
- Post to the CEO, Shire of Derby/West Kimberley, PO Box 94 Derby WA 6728.

### Introduction

Public Question Time is a means by which members of the public can seek responses from the Council about issues affecting the local government that are of concern to them. It assists the public to be better informed about the governing of their district and it provides the local government with a mechanism to identify issues of importance in the community.

### Procedure

#### 1. Submitting Questions

Complex questions requiring research should be submitted three days prior to the Council meeting. All other questions may be submitted prior to the meeting using the question form provided in the Council Chambers (immediately before the meeting) or on the SDWK website.

Where a person submits a question in writing for Public Question Time but fails to attend the meeting, the presiding officer will not accept the question. In such cases the CEO may reply in writing at a time other than the meeting.

#### 2. During the Meeting

- a) The presiding officer will open public question time with a brief statement of the rules.
- b) The presiding officer will then request people to come forward in the order they registered to give their name and read out their question.
- c) If a person has several questions, he or she will be requested to write them down and hand them to the Minutes Secretary before or during the meeting. A maximum of two questions will be allowed at a time.
- d) The presiding officer then determines who is to respond to the question. If a question, relating to a matter in which a councillor or an employee has an interest, is directed to that councillor or an employee, he or she will;
  - declare that he or she has an interest in the matter; and
  - allow another person to respond to the question.
- e) The question will be responded to, taken on notice or not accepted.



- f) If a person has used up their allowed number of questions the presiding officer will ask if they have any more questions; if they do their request will be noted and placed at the end of the queue (if applicable) and they will be asked to resume their seat in the public gallery.
- g) The original registration list is worked through until exhausted; after that the presiding officer will call upon any other persons who did not register if they have a question (e.g. people might have arrived after the meeting started).
- h) When such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions.
- i) The presiding officer declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However the presiding officer has the discretion to allow more than the minimum time for questions if required.

### 3. Following the Meeting

Council is required to include a summary of the questions asked and responses given in the minutes of the meeting. If a person asked a question that needed to be taken on notice he or she will receive a written response to the question, where the person has provided their contact details. This response will be included in the minutes of the following meeting.

#### **Further Information**

##### Time Frame

A minimum of 15 minutes is set aside at the beginning of a meeting for Public Question Time (prior to any discussion requiring a decision by Council). However, Council may close public question time prior to the expiry of 15 minutes if there are insufficient questions to occupy that time. The extension of question time beyond the minimum time is at the discretion of the presiding officer (usually this is the Shire President).

##### Who can ask questions?

Any member of the public can ask questions, not just an elector or people who live in the Shire. Normally councillors don't ask questions during Public Question Time as they have other opportunities to obtain information.

##### What kind of questions can be asked?

During an *ordinary* meeting of council any questions affecting the operations of the local government may be asked. A response will not be provided to questions that do not relate to a matter affecting the local government.

During a *special* meeting of council only questions relating to the purpose of the meeting may be asked.

##### Repetitive Questions

If a person attempts to ask a question that, in the presiding officer's opinion, has been satisfactorily responded to at that or an earlier meeting, the person will be advised accordingly. Where necessary, the person will be referred to the minutes of the relevant meeting.

##### Making Statements

If a person attempts to use question time to make statements rather than ask questions, he or she will be asked by the presiding officer to "*state their question*" or may be assisted in phrasing their question.



However, if it is necessary that the question be prefaced by a statement in order to place the question in context then that statement should be brief.

#### Questions Requiring Considerable Research

If a question is raised which requires considerable research then the presiding officer is at liberty to point out when a response to a question would require a substantial commitment of the local government's resources.

The presiding officer may invite the person seeking the information to reconsider their request or refer the matter to the CEO for action following the meeting. The CEO can then arrange for the information to be provided or can determine in accordance with the Local Government Act that provision of the information would be an unreasonable impost upon the local government and refuse to provide it.

#### Inappropriate Questions

If a member of the public provides a written question or attempts to verbally ask a question which is considered to be offensive or defamatory in nature, he or she will be advised by the presiding officer that the question will not be considered. To do so would expose the local government to possible legal action for republishing defamatory remarks. In such circumstances, but depending on the question, the person may be invited to rephrase their question.

Similarly, the presiding officer will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language, questioning of the competency of staff or council members, or questions relating to the personal affairs or actions of staff or council members.

If a person does attempt to ask a question considered inappropriate or not in good faith, the presiding officer will rule the question inappropriate.

Finally, the presiding officer may refuse to accept questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or have been answered by earlier questions or questions at a previous meeting.

